

BENNINGTON EVENING BANNER

SIXTH YEAR NO. 1698

BENNINGTON, VT., FRIDAY, JUNE 25, 1909.

PRICE ONE CENT

The Most Successful College Graduates Are the Ones Who Discriminatingly Unlearn the Useless Information Acquired

ARGUMENTS MADE IN ESTABROOK HEARING

Hebeas Corpus Proceedings for Possession of Child

NO DECISION AT PRESENT

Judge Waterman Adjourned June Term of County Court at Manchester This Morning

Manchester, June 25.—It was after six o'clock last evening when the attorneys in the habeas corpus proceedings brought by Mrs. Nellie Estabrook against her former husband, Benjamin N. Estabrook to obtain possession of the five year old daughter, Leonora, completed their arguments. Judge E. L. Waterman of Brattleboro, who has been presiding at the present term of county court, then retired with the attorneys and it was later announced that no decision would be rendered in the case at present. In all probability it will be necessary for the attorneys to again appear before Judge Waterman some time early in July for further argument. The date of this appearance cannot be determined until Judge Waterman has considered his appointments for next month.

The two principals in the hearing were both present in the court room yesterday afternoon and the experience was in some respects more trying than that of the previous sessions when the evidence was being introduced. The attorneys after presenting the legal points at issue in the case attacked the reputations of the father and mother of the little child. Mr. Barber insisted in vigorous and plain language that the mother by her acts had shown that she was not the proper person to be entrusted with the care of a little girl of tender years. On the other hand Mr. Batchelder handled the father without gloves, took up the Atlantic City episode as it appeared in the evidence and claimed that Mr. Estabrook was equally unfit to be the child's guardian.

During the denunciation by Mr. Barber, Mrs. Estabrook, who was supported during the ordeal by her aunt, Mrs. Nora Becker of Baltimore, went white to the lips and made frequent use of the pitcher of ice water that had been placed upon the table near by. The petitioner also appeared to be under an unusual mental strain during the latter part of Mr. Batchelder's argument. At one of the attorney's particularly pointed thrusts his head went around like that of a pugilist who had received a jarring blow in the body.

Inasmuch as neither the father or mother of the little child were called upon to take any part in the hearing it would have been better for both had they elected to remain away from the court room. By their presence they placed themselves under a severe mental strain out of which nothing could be gained.

There were but a few people in the court room when the arguments were begun. Attorney R. C. Sanford of Albany, who brought the separation proceedings for Mrs. Estabrook before the New York state court, was in consultation with Attorneys Maurer and Batchelder and the audience was mostly composed of the principals and the witnesses in several divorce cases that had been heard during the day.

Mr. Maurer made the opening argument for the petitioner. He confined himself almost entirely to the point of law involved in the case, the order by the supreme court of New York granting a separation and custody of the child to the mother. He claimed that the order under that section of the constitution relating to the acts of courts of sister states should be binding in Vermont and that it should further be binding for the reason that the real residence of the parties to the proceedings was in the state of New York. In conclusion he stated that the husband by his acts had showed himself incompetent to care for a child of tender years.

Mr. Barber argued that the order of the New York court was not binding in Vermont inasmuch as it was without jurisdiction and particularly so as regards the child. The little girl, he insisted, was out of the jurisdiction of that state at the time the order was issued and the father too, had left that state and taken up his home in Bennington. The case of Haddock vs. Haddock was referred to by attorneys for both parties. Mr. Barber argued at some length and laid unusual stress upon the mother's unfitness to care for the child. He went over several incidents as disclosed in the evidence and portions of the letter found under the matting after the Estabrook home in Troy was broken up, were read. This letter was unsigned and its contents were not revealed during the taking of the evidence.

For the petitioner Mr. Batchelder claimed that the matrimonial domicile of the couple had never been removed from the state of New York, that the sudden departure of the father from that state, as the attorney claimed to avoid being served with papers in the case, could not constitute a change of the matrimonial domicile. Like the attorney for the petitioner he

LONG ILLNESS ENDS LIFE OF SARAH ORNE JEWETT

Noted Author Passes Away at South Berwick, Me.

BRAIN HEMORRHAGE CAUSE

Began Writing Stories of New England Life at Age of Seventeen—Published Many Volumes

South Berwick, Me., June 25.—An illness lasting many months ended last night in the death of Miss Sarah Orne Jewett, Litt. D., author of many books regarded as one of the foremost women writers of America.

Miss Jewett was best known to the literary world through her stories of New England country life. These were published both in book form and in the magazines.

Her career as an author began when she was quite young. While she was at the Berwick academy, she was only seventeen then, several short stories under her name appeared in "Our Young Folks," and the Riverside Magazine. She ventured to send a story to the Atlantic Monthly when she was nineteen years of age and since then hardly a year has passed without a volume from her.

It was not until last Monday that her illness assumed a critical form and Miss Jewett was confined to her room. Since that time she has been failing steadily and her friends knew that the end was not far off.

It is believed that another attack of the brain hemorrhage from which she first suffered was the immediate cause of death.

assailed the reputation of the other party to the case and read an extract from one of the letters found by Mrs. Estabrook in her husband's pocket.

Mr. Barber made both the opening and closing arguments for the petitioner.

When Judge Waterman had returned from the judges' room and it was announced that there was no possibility of a decision at present the Bennington people in attendance had just time enough for supper before the departure of the evening train for the south.

The original order issued by Judge Waterman as to the temporary custody of the child and which has been in force remains unchanged. There was some discussion by the attorneys and Judge Waterman over a proposal to make some slight modifications in the order but it was not considered advisable to do so.

Several divorce cases were granted during the closing days of the session. Nehemiah Forkey, who resides in Sunderland was granted a divorce from Elsie Forkey whose residence is given as Bennington on the ground of desertion. F. C. Archibald of Manchester appeared for the petitioner.

Emily Church of Woodford was granted a divorce from Edward W. Church of Bennington on the ground of intolerable severity.

John E. Hughes, now of Jamaica, was granted a divorce from Minnie Hughes of Dorset on the ground of desertion.

Cor. Reynolds of Pownal was granted a divorce from Edward H. Reynolds of the same town on the ground of intolerable severity.

Leo and Milo Harwood of Dorset who were convicted Wednesday of breaking and entering the summer cottage of Miss Celia de Notbeck in that town and fined \$250 each and costs settled with the court yesterday. The costs amounted to \$8 in each case.

The case of Earle S. Ketchum, a conviction for intoxication, appealed from the municipal court, was called and as there was no appearance the bail of \$50 furnished by the respondent's brother, was declared forfeited.

One of the features of the session was the settling of the oldest case on the docket, that of J. and E. Fitzgerald vs. Patrick Morrissey. The case was docketed in 1876 and since that time several of the parties connected with the case, principal, attorney referee an administrator have died.

The only business transacted this forenoon in court was the granting of a divorce in the case of Towles vs. Towles. At 10 o'clock Judge Waterman adjourned court for the term.

County Clerk J. J. Shaksheer and Sheriff Fred Godfrey and his son Bradford left on the 11 o'clock train for Bennington. The sheriff had in charge Thomas Harris of Pownal under sentence for 10 years in the state prison at Windsor for the killing of Oscar Turner in his home town on the night of April 17. During the trial Harris had been confined in one of the cells in the court house basement and since his sentence has been kept at Manchester for the reason that the sheriff was unable to leave his duties at the court house.

WEATHER FORECAST

Probabilities for This Section for the Next 24 Hours

For Eastern New York and Western Vermont generally fair tonight and Saturday continued warm.

MRS GOULD MAKES DENIAL OF ALL CHARGES

Says Allegations of Intemperance and Profanity False

WILL BE CROSS EXAMINED

Explained Friendship for Dustin Farnum Whose Advice She Desired on Theatrical Matters

New York, June 25.—Katherine Clemmons Gould was called back to the stand yesterday for a final ordeal, to explain away if possible the damaging testimony given by the witnesses for her husband in her suit for separation and alimony of \$250,000 a year.

It was a day of denials, beginning with the reading of the deposition of Dustin Farnum, the actor who denied in toto all allegations of improper conduct with Mrs. Gould, and ending with Mrs. Gould's repeated denials of practically everything in word or action attributed to her by the witnesses for the other side.

For two warm hours Mrs. Gould answered the questions of her counsel, repudiating with a monotonous flat denial testimony and insinuation charging her with excessive drinking, profanity or other impropriety. She never drank to excess, never used profane language, never forgot her dignity as mistress of Castle Gould and never overstepped the bounds of propriety, she declared in substance.

Getting down to specific instances, she told her counsel that she had never tried to hitch up a pair of mules, had never ordered a tableful of dishes and food tarrown from her St. Regis apartments, had never referred to Dustin Farnum as "my new beau," never quarreled with her husband before company, never had a coachman's arm about her waist to hold her on the carriage seat, never discharged an employe in anger, never became intoxicated aboard the yacht Niagara and never consumed two quarts of cocktails in two days.

Mrs. Gould's explanation of her friendship with Dustin Farnum naturally took up a considerable portion of her time. Whatever intimacy there had been between her and the actor, she said, was accounted for by her desire to have his advice regarding her plans to return to the stage. "My home had been broken up," she said, "all authority had been taken from me, my happiness was gone and I wanted some occupation to divert my mind. I thought of returning to the stage and wanted to talk the matter over with Mr. Farnum who, I was convinced would be able to help me."

Mrs. Gould said that Mr. Farnum had never been in her parlor at the St. Regis except on the August afternoon in 1904 when they lunched together with several others present and on the occasion of the automobile accident on Long Island. She had never addressed Mr. Farnum by any endearing names, she said, and had never permitted any improper familiarity on his part.

Judge Dowling said late in the afternoon that he wanted to look later at Mrs. Gould's now famous dinner checks at the hotel St. Regis.

"I had not intended to mention them," declared Mr. Shearn, perturbed. He promised to produce them for the court's inspection whenever. It was late when Mr. Shearn concluded his questioning of Mrs. Gould and Justice Dowling decided to postpone the cross examination until today, especially in view of the fact that Mr. Gould's attorneys promised a long one. It is believed that the case will close this evening.

MRS. ELIZA COLBY DEAD

Passed Away Thursday After Week's Illness Following Shock

Mrs. Eliza Colby died at the home of her sister, Mrs. L. H. Buss on Union street Thursday. Just a week before her death she suffered from a shock from which she never rallied but slowly failed. From the first her condition seemed hopeless.

The deceased was a native of Cambridge, N. Y., being born in that town on April 15, 1830. Her maiden name was Eliza Dickinson and she was a daughter of Abraham Dickinson for many years a well known resident of this section. Mrs. Colby lived in this town eight years, moving here from Mechanicville.

Besides Mrs. Buss she leaves one sister, Mrs. Catherine Sweet of Chicago, who is now with Mrs. Buss in this town. She was an active member of the Methodist church and took great interest in church affairs as long as her health permitted. Although a resident of this village for only a few years she made many friends who are grieved to learn of her death. She was a woman of exemplary character and admired by all her acquaintances. The funeral will be held from the house Saturday afternoon at 2 o'clock Rev. W. W. Brunk, pastor of the Methodist church, will officiate. The burial will be in the village yard.

WARD OF LYMAN T. GAGE VICTIM OF MURDER

Mrs. Woodill Killed While on Visit in Maryland

BODY FOUND IN RIVER

Newspaper Correspondent Named Roberts Believed to Have Been Perpetrator of Crime

St. Michaels, Md., June 25.—Mrs. Edith May Thompson Woodill, wife of Gilbert Woodill, a well known automobile dealer in Los Angeles and long a ward of Lyman T. Gage, ex-Secretary of the Treasury, was the victim of a murder committed several days ago. Her body was found in Back Creek, leading to the Choptank river near St. Michaels Wednesday and was identified yesterday.

Emmet Roberts, a newspaper correspondent was arrested late last night not far from the scene of the crime. He was last seen with Mrs. Woodill, and is charged with the murder.

Mrs. Woodill came here with her husband recently to visit her foster-father, Col. Charles H. Thompson, who lives a few miles from here. She was well known socially in Baltimore and along the Eastern shore. Her husband went home and she was to have returned soon. Recently she had been seen much in the company of Roberts, whom she had met before. Roberts was a comparative stranger in Talbot County. He came here last Fall and bought a little farm near the Thompson place, where he had a bungalow. He described himself as a writer and newspaper correspondent.

Mrs. Woodill went to Easton last Saturday and had some dental work done. When she left Capt. Thompson's she said that Roberts would see her safely home, as he was going in the same direction. Roberts met her at Royal Oak Station with a horse and carriage, and the pair drove to St. Michaels, where they embarked on Robert's launch and headed for the little creek that passes their homes. The last seen of Mrs. Woodill alive was soon after the little launch left the St. Michaels wharf.

It appears that when Mrs. Woodill went to Easton on Saturday to have her teeth treated she had an appointment to meet Roberts at Royal Oak Station. Roberts got as far as this place in his launch, and then, missing the train, hired a team and drove to Royal Oak, where he met Mrs. Woodill and drove back to St. Michaels, avoiding the main street and making directly for the pier where his launch was tied.

The presumption is that the couple next went to Roberts' bungalow. Roberts had evidently been there and had set the place on fire after leaving it. Constables went to the bungalow, which was not consumed and found an arsenal of arms of the first class, enough to keep off a regiment of soldiers.

No blood stains were found until they were ready to leave, when they found a sheet on the bed with a large blood stain, as though the head had rested there. A pair of corduroy trousers like those Roberts is said to have worn when last seen, were also found, and contained this letter in Mrs. Woodill's handwriting and dated June 16:

Dear Wobby: Can't come down, haven't even had my morning's ablutions, and I know how men hate waiting. Why, I'd be afraid you'd wear out the parlor rug plus your temper if you tried it. Its only an intermittent delirium anyhow, and you'd better go and "wash your dishes." Even without an imagination you must know that I'll be thinking of you.

Doll Baby

After the body had been found and suspicion began to point to Roberts, who has disappeared, and it was afterward discovered that he had taken Taylor's skiff. An alarm was sent out in all directions, and all day a search has been made of the swamps and woods. Police of Washington and Baltimore also watched railroad stations and docks.

CO. K GUARD MOUNT

Will Be Held at the Soldiers Home on Sunday

Company K, Vermont National guard will hold its annual guard mount drill at the Soldiers Home on Sunday afternoon in preparation for the annual muster of the First Regiment that will take place at the state camping grounds near Fort Ethan Allen July 2-10, inclusive.

The company will leave the armory in the morning about 9 o'clock and march to the rifle range near Gullivers Corners and spend a portion of the day at rifle practice. It is planned to reach the Soldiers Home at 3 o'clock p. m., on the return march. At this point the company will be met by the band and there will be an exhibition of military tactics on the grounds during the remainder of the afternoon. If the weather is favorable a large crowd will be in attendance to watch the drill at the home.

TAKES JOY RIDE IN A. K. RITCHIE'S WINTON

Longing For Open Road Overcomes Youth's Scruples

ARRESTED, NOW OUT ON BAIL

Off Reservation He Flies Through Village Streets—Injures Dog—Punctures Tire

Shortly after two o'clock Thursday afternoon, Frank Woodard, the eighteen year old son of Fred Woodard of the Burgess district approached Richard A. Hurley at work in A. K. Ritchie's garage, stating that Mr. Ritchie had given him permission to take out the new six cylinder 1909 model Winton which the latter recently purchased.

Hurley, knowing that Woodard was a chauffeur of some reputed experience, and thinking that Mr. Ritchie wished some adjustment made on the car, opened the doors and bade him godspeed. Hurley thought little more of it, continuing his work. Sometime after five Mr. Ritchie returned, enquiring the whereabouts of the car. He received the reply that Woodard had not yet returned. Mr. Ritchie was mystified but on leaving the facts stated that Woodard had no permission from him. Pursuit in another car was under discussion when the distant rattle of the Winton's six cylinder was heard.

The chauffeur had returned not in triumph but in sadness. His arrest was made at once by Officer Hurley and the prisoner lodged in county jail. Making an inventory of the car Mr. Ritchie found that the rear tire had been severely torn. During the rampage the tire and inner tube had been punctured and torn but Woodard had replaced the tube with a new one from the tool box, mended the shoe temporarily by covering it with the usual faced leather patch and speed merrily on his way. Aside from injury to Albert Houston's dog, a few dead chickens and multfracture of speedways and tires, the ride was otherwise without incident.

Woodard has been released on bail. He will in all probability be prosecuted in a civil suit by Mr. Ritchie unless the amount of damage to the car, \$75, is made good by him. The car at present is undergoing repairs and adjustments at Root & Stevens' "Ideal Four" Garage and will soon recover from its somewhat unusual experience.

Later in the afternoon Officer Hurley, having obtained a second warrant went to the boy's home to serve it. Woodard was at work with his father in the cornfield and catching sight of the officer took his coat and started. Hurley came back empty handed.

SOME FINE BROWN TROUT

Bradford Godfrey Makes One of the Best Catches of the Season

Bradford Godfrey, who has been visiting his father, Sheriff Fred Godfrey at Manchester during the present session of county court, Thursday noon caught two of the finest brown trout seen in the Battenkill territory this season. He was on one of the small brooks near Manchester village during the forenoon and landed eight good fish. Immediately after dinner he made another short trip and returned in less than half an hour with two brown trout over a foot in length and weighing in the vicinity of three-quarters of a pound each. The guests at the Orchard Park hotel where young Godfrey and his father are stopping remarked that the catch was the quickest fishing stunt that they ever saw enacted.

WOMAN REMOVED CLOTHING

Trying Experience for Local Constable at Manchester

A woman so intoxicated that she could give no account of herself was lodged in one of the cells under the court house at Manchester Thursday afternoon by Constable Frank Walker. The woman was on the train that arrived from the north early in the afternoon over the Rutland road and she made so much trouble for the passengers and crew that she was put off at Manchester.

At the Manchester station the woman created a scene by partially removing her clothing in the waiting room. Constable Frank Walker was notified by telephone to come to the station with a horse and wagon and when he arrived it became necessary for him to help the woman back into her clothing before she could be taken through the streets to the cell.

E. E. Cowan and family of Chatham were visitors in town today. Mr. Cowan will soon move to this town, taking M. J. Belden's place as conductor on the Branch local.

Eight applicants for free tuition in the high school took examinations on Thursday and today. Of the number about half failed. The applicants were students of the graded school district residing outside of the village.

BURRINGTON WILL CATCH ON LOCAL NINE SATURDAY

Local Team Will Play Pittsburg Giants

INTERESTING GAME ASSURED

Items of Interest from all Parts of the Baseball World—Standing of Clubs—Local Percentage

A telegram was received Thursday night by Manager Higgins of the baseball association from Marcus Burrington, star catcher of the University of Vermont team, stating that he would play for Bennington at tomorrow's game. Negotiations have been in progress for some time to secure Burrington for the remainder of the season. It is expected that if a suitable contract can be made Bennington will have one of the best catchers in the country as its backstop.

BASE BALL NOTES

Items of Interest to Local and Other Fans

Bennington's percentage of games won this year is .333 which is much higher than the leaders in the National and American leagues.

Brown, a Williams student, who played third base on the local team until last Sunday, has gone to his home in Kentucky for the summer.

If tomorrow is as warm as today the players will have no trouble in warming up. There'll be no excuse for bad playing on account of cool weather.

Andie McConnell, the former Pownal boy, now with the Boston Americans, is batting better than ever before since joining the club after his recent injury.

North Adams defeated Pittsfield Wednesday by a score of 9 to 4. Wadsworth who played with the local team this season until he failed to show up at last Sunday's game, played second base.

Chic Evans who occasionally twirls for Hoosick Falls went to pieces in the ninth inning of the Hartford-Holyoke game Monday. He gave five runs and lost the game 8 to 7. "Chic" was touched up for 14 hits.

Tomorrow's game will be with the Pittsburg Giants one of the fastest colored teams in the country. The local fans think Manager Higgins' nine can't trim the professionals. Perhaps not, but wait and see.

The North Adams Herald says: Marcus Burrington whose home is in Pownal, has been signed to do the backstop work for the Burlington team in the college league. Burrington caught for the Williamstown high four years.

Manager Higgins is in North Adams today to secure two men to play in place of Wadsworth and Brown. He stated this morning that he had a number of good men in view but desired to see them personally before hiring them.

The thirty foot addition to the grand stand did not afford seating capacity for the large crowd last Saturday. It seemed as if a similar addition on the west end would pay for itself in a short time and give more comfort to the "fans."

The next two games in the Hoosick Falls-Bennington series will be played on July 3 and 4. The last contests will take place on August 7 and 8. Before the next game Manager Higgins expects to have a team on the diamond superior to last Saturday's winners, and hopes to "cop" all the remaining games of the series.

The Hoosick Falls team will play the Tunnel Diggers at North Adams, Saturday afternoon. On the following day one of the fastest colored teams in the country, the "Pittsburg Giants," will try conclusions with Hoosick Falls. As this team has no superior, even in the big white leagues, a game of ball can be looked for that will be fast and furious.

Kennedy and Genest, it is said are the only members of the North Adams team who have emerged safely from the pile of debris that marks what was until recently the abiding place of the "Midgets." The managerial cyclone which swept over Zylonite park made an almost clean sweep, and seems to have struck Pittsfield, too. Noonan, O'Hearn, Lynca and Novack having tendered their resignations in a bunch. —Hoosick Falls Democrat.

"Billy" Howells who played center field two seasons with the local team will leave North Adams tomorrow for Cooperstown, N. Y., where he will captain and manage the baseball team for the season. Last year he captained and managed the Richfield Springs team which had a most successful season.

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